

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant : R. Donovan, et al.
Serial No. : 10/774,335
Filed : February 6, 2004
Title : Band Saw

Art Unit : 3724
Examiner : S. Choi

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**APPEAL BRIEF
BRIEF ON BEHALF OF APPELLANTS**

This Reply is in response to the Notification of Non-Compliant Appeal Brief mailed on August 27, 2009, for which the one month shortened statutory period for reply expires on September 27, 2009. Applicants hereby petition for a one month extension of time to reset the period for reply to October 27, 2009. The Commissioner is hereby authorized to charge any fees which may be required, any deficiencies that may arise, and to credit any overpayment which may be owed to Applicant in connection with this action and application in general to Deposit Account No. 02-2548.

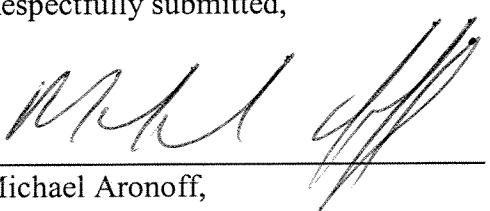
In response to the Notification, Applicants herein submit a new Section V, which is to be substituted for the Appeal Brief filed on July 22, 2009. It is Applicants' belief that this new Section V satisfies all of the requirements 35 USC and 37 CFR.

Early approval of the Applicants' appeal is requested.

Respectfully submitted,

Dated: 10/27/09

By:


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V. Summary of the Claimed Subject Matter

The present invention is specifically set forth in the presently pending claims. Applicant's invention relates generally to a tensioning mechanism. In the exemplary embodiments illustrated and described in the instant specification, the tensioning mechanism is used to enable the removal and replacement of a blade on a stationary band saw.

An example of the present invention, as set forth in presently pending claim 1, is directed to a tensioning mechanism including a tension spring assembly for applying a tensioning force and a cam assembly for applying a force to the tension spring assembly. A first embodiment of this example of the present invention is described in the specification at page 10, paragraph 20 through page 22, paragraph 44 and in the drawings at figures 1 – 3 and a second embodiment of this example of the present invention is described in the specification at page 23, paragraph 45 through page 41, paragraph 83 and in the drawings at figures 4 – 6.

Another example of the present invention, as set forth in the presently pending claim 12, is directed to a band saw including a frame coupled to an upper band wheel wherein the wheel engages the band saw blade. The band saw also includes a tension spring assembly wherein the tension spring assembly applies a tensioning force to the upper band wheel. The band saw also includes a cam assembly that operationally engages the tension spring assembly wherein the cam assembly applies a force to the tension spring assembly. A first embodiment of this example of the present invention is described in the specification at page 10, paragraph 20 through page 22, paragraph 44 and in the drawings at figures 1 – 3

and a second embodiment of this example of the present invention is described in the specification at page 23, paragraph 45 through page 41, paragraph 83 and in the drawings at figures 4 – 6.

Another example of the present invention, as set forth in the presently pending claim 26, is directed to a band saw having an upper band wheel which operationally engages a band saw blade. The band saw also includes an upper arm including a sliding tension bracket which is coupled to the upper band wheel. The band saw includes a tension spring assembly having a tension spring. The tension spring applies a tension force which is translated through the sliding tension bracket to the upper band wheel. The band saw also includes a cam assembly that is operationally engaged with the tension spring assembly, wherein the cam assembly applies a force to the tension spring. A first embodiment of this example of the present invention is described in the specification at page 10, paragraph 20 through page 22, paragraph 44 and in the drawings at figures 1 – 3 and a second embodiment of this example of the present invention is described in the specification at page 23, paragraph 45 through page 41, paragraph 83 and in the drawings at figures 4 – 6.